



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 02.12.2020
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.575 of 2020

WEB COPY

V.Sathiyamoorthy .. Petitioner/Owner of the Property
Vs.

The Inspector of Police,
Thennilai Police Station,
Karur District.
(Crime No.362 of 2020)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to set aside the order made in Crl.M.P.No.1404 of 2020 on the file of the learned Sessions Judge, Karur dated 01.10.2020 and to hand over the interim custody of the vehicle bearing Registration No.TN-47-AU-7423 belongs to the petitioner.

For Petitioner : Mr.S.Gokulraj
For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1404 of 2020 dated 01.10.2020, on the file of the learned Sessions Judge, Karur to grant interim custody of vehicle bearing Registration No.TN-47-AU-7423 to the petitioner.

2.The petitioner claims to be the owner of the vehicle bearing registration No.TN-47-AU-7423, which was seized by the respondent Police in Crime No.362 of 2020 for the offence under 21 (1)(a)(b) of Mines and Minerals Act. The petitioner has filed a petition in Cr.M.P.No.1404 of 2020 before the learned Sessions Judge, Karur for return of the vehicle. The petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that the initiation of confiscation proceedings is not a bar for return of the vehicle. In support of his contention, the judgment of the Hon'ble Apex Court in the case of **Sundarbhai Ambalal Desai v. State of Gujarat** reported in **2003(1) CTC 175** is cited.

4.On the side of the respondent, it is stated that the vehicle is used for theft of river sand and confiscation proceeding was initiated. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of



similar offence and prays the petition to be dismissed.

5.It is seen that the vehicle was seized by the police on 22.07.2020. If the vehicle is kept in the open space, the value of the vehicle will be deteriorated. In the above circumstances, this Criminal Revision Case is allowed and the order of the learned Sessions Judge, Karur in Cr.M.P.No.1404 of 2020 is set aside and the learned Sessions Judge is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Sessions Judge, Karur;

(ii)The petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.362 of 2020 on the file of the learned Sessions Judge, Karur within a period of two weeks from the date of receipt of a copy of this order;

(iii)The petitioner is directed to execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Karur.

(iv)The petitioner shall not alienate and shall not make any alteration in the vehicle;

(v)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Sessions Judge,Karur.

2.The Inspector of Police,
Thennilai Police Station,
Karur District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. GOKULRAJ, Advocate (SR-23725[F] dated 02/12/2020)

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SGS (CO)
AP (09/12/2020) 3P 5C